

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KARIN HAZEL

Appellant,

v.

WELLS FARGO BANK, N.A.,

Appellee.

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Case No. 2:17-cv-00247

JUDGE ALGENON L. MARBLEY

ORDER GRANTING MOTION TO DISMISS APPEAL

Before the Court is Appellee Wells Fargo Bank, N.A.’s (“Wells Fargo”) Motion to Dismiss the above-captioned appeal filed by Appellant Karin Hazel (“Hazel”) (ECF No. 4). Specifically, Wells Fargo requests that this Court dismiss Hazel’s appeal based on her failure to timely file and serve an Appellant’s Brief pursuant to Federal Rule of Bankruptcy Procedure Rule 8018.

Bankruptcy Rule 8018 requires an appellant to “serve and file a brief within 30 days after the docketing of notice that the record has been transmitted or is available electronically.” Fed. R. Bankr. P. 8018(a)(1). Rule 8018 further states “[i]f an appellant fails to file a brief on time or within an extended time authorized by the district court . . . an appellee may move to dismiss the appeal” Fed. R. Bankr. P. 8018(a)(4).

Here, the Bankruptcy Court Record on Appeal was filed on May 11, 2017. (ECF No. 2). By notation order, Hazel had until May 25, 2017 to file her brief. (*Id.*). Hazel has not made a request for additional time to file and serve the brief, and to date, she still has not filed and

served her brief. Hazel, filed this appeal pro se, however, and pro se litigants are treated to less stringent standards. *See In re Ingram*, 431 B.R. 307 (B.A.P. 6th Cir. 2010).

Accordingly, in the spirit of leniency, the Court will allow Hazel thirty (30) days to file her brief. If Hazel fails to file her Appellant Brief by February 15, 2018, the Court will dismiss the appeal for want of prosecution.

IT IS SO ORDERED.

/s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: January 25, 2018